

him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

On page 1, line 3, strike “2 days” and insert “3 days”.

SA 54. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 2 days after the date of the enactment of this Act.

SA 55. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE I—INDEPENDENT AND OBJECTIVE OVERSIGHT OF UKRAINIAN ASSISTANCE

SEC. 101. SHORT TITLE.

This title may be cited as the “Independent and Objective Oversight of Ukrainian Assistance Act”.

SEC. 102. PURPOSES.

The purposes of this title are—

(1) to provide for the independent and objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available to Ukraine for military, economic, and humanitarian aid;

(2) to provide for the independent and objective leadership and coordination of, and recommendations concerning, policies designed—

(A) to promote economic efficiency and effectiveness in the administration of the programs and operations described in paragraph (1); and

(B) to prevent and detect waste, fraud, and abuse in such programs and operations; and

(3) to provide for an independent and objective means of keeping the Secretary of State, the Secretary of Defense, and the heads of other relevant Federal agencies fully and currently informed about—

(A) problems and deficiencies relating to the administration of the programs and operations described in paragraph (1); and

(B) the necessity for, and the progress toward implementing, corrective action related to such programs.

SEC. 103. DEFINITIONS.

In this title:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE MILITARY, ECONOMIC, AND HUMANITARIAN AID TO UKRAINE.—The term “amounts appropriated or otherwise made available for the military, economic, and humanitarian aid for Ukraine” means amounts appropriated or otherwise made available for any fiscal year—

(A) for the Ukraine Security Assistance Initiative;

(B) for Foreign Military Financing funding for Ukraine;

(C) to the Department of State under the heading “NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS”; and

(D) under titles III and VI of the Ukraine Supplemental Appropriations Act (division N of Public Law 117–103)

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Armed Services of the Senate;

(C) the Committee on Foreign Relations of the Senate;

(D) the Committee on Homeland Security and Governmental Affairs of the Senate;

(E) the Committee on Appropriations of the House of Representatives;

(F) the Committee on Armed Services of the House of Representatives;

(G) the Committee on Foreign Affairs of the House of Representatives; and

(H) the Committee on Oversight and Reform of the House of Representatives.

(3) OFFICE.—The term “Office” means the Office of the Special Inspector General for Ukrainian Military, Economic, and Humanitarian Aid established under section 104(a).

(4) SPECIAL INSPECTOR GENERAL.—The term “Special Inspector General” means the Special Inspector General for Ukrainian Military, Economic, and Humanitarian Aid appointed pursuant to section 104(b).

SEC. 104. ESTABLISHMENT OF OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR UKRAINIAN MILITARY, ECONOMIC, AND HUMANITARIAN AID.

(a) IN GENERAL.—There is hereby established the Office of the Special Inspector General for Ukrainian Military, Economic, and Humanitarian Aid to carry out the purposes set forth in section 102.

(b) APPOINTMENT OF SPECIAL INSPECTOR GENERAL.—The head of the Office shall be the Special Inspector General for Ukrainian Military, Economic, and Humanitarian Aid, who shall be appointed by the President. The first Special Inspector General shall be appointed not later than 30 days after the date of the enactment of this Act.

(c) QUALIFICATIONS.—The appointment of the Special Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(d) COMPENSATION.—The annual rate of basic pay of the Special Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) PROHIBITION ON POLITICAL ACTIVITIES.—For purposes of section 7324 of title 5, United States Code, the Special Inspector General is not an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(f) REMOVAL.—The Special Inspector General shall be removable from office in accordance with section 103(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

SEC. 105. ASSISTANT INSPECTORS GENERAL.

The Special Inspector General, in accordance with applicable laws and regulations governing the civil service, shall appoint—

(1) an Assistant Inspector General for Auditing, who shall supervise the performance of auditing activities relating to programs and operations supported by amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine; and

(2) an Assistant Inspector General for Investigations, who shall supervise the performance of investigative activities relating to the programs and operations described in paragraph (1).

SEC. 106. SUPERVISION.

(a) IN GENERAL.—Except as provided in subsection (b), the Special Inspector General shall report directly to, and be under the

general supervision of, the Secretary of State and the Secretary of Defense.

(b) INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.—No officer of the Department of Defense, the Department of State, the United States Agency for International Development, or any other relevant Federal agency may prevent or prohibit the Special Inspector General from—

(1) initiating, carrying out, or completing any audit or investigation related to amounts appropriated or otherwise made available for the military, economic, and humanitarian aid to Ukraine; or

(2) issuing any subpoena during the course of any such audit or investigation.

SEC. 107. DUTIES.

(a) OVERSIGHT OF MILITARY, ECONOMIC, AND HUMANITARIAN AID TO UKRAINE PROVIDED AFTER FEBRUARY 24, 2022.—The Special Inspector General shall conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine, and of the programs, operations, and contracts carried out utilizing such funds, including—

(1) the oversight and accounting of the obligation and expenditure of such funds;

(2) the monitoring and review of reconstruction activities funded by such funds;

(3) the monitoring and review of contracts funded by such funds;

(4) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

(5) the maintenance of records regarding the use of such funds to facilitate future audits and investigations of the use of such funds;

(6) the monitoring and review of the effectiveness of United States coordination with the Government of Ukraine, major recipients of Ukrainian refugees, partners in the region, and other donor countries;

(7) the investigation of overpayments (such as duplicate payments or duplicate billing) and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities; and

(8) the referral of reports compiled as a result of such investigations, as necessary, to the Department of Justice to ensure further investigations, prosecutions, recovery of funds, or other remedies.

(b) OTHER DUTIES RELATED TO OVERSIGHT.—The Special Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Special Inspector General considers appropriate to discharge the duties described in subsection (a).

(c) CONSULTATION.—The Special Inspector General shall consult with the appropriate congressional committees before engaging in auditing activities outside of Ukraine.

(d) DUTIES AND RESPONSIBILITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In addition to the duties specified in subsections (a) and (b), the Special Inspector General shall have the duties and responsibilities of inspectors general under the Inspector General Act of 1978 (5 U.S.C. App.).

(e) COORDINATION OF EFFORTS.—In carrying out the duties, responsibilities, and authorities of the Special Inspector General under this Act, the Special Inspector General shall coordinate with, and receive cooperation from—

(1) the Inspector General of the Department of Defense;

(2) the Inspector General of the Department of State;

(3) the Inspector General of the United States Agency for International Development; and

(4) the Inspector General of any other relevant Federal agency.

SEC. 108. POWERS AND AUTHORITIES.

(a) AUTHORITIES UNDER CHAPTER 4 OF PART I OF TITLE 5, UNITED STATES CODE.—

(1) IN GENERAL.—Except as provided in paragraph (2), in carrying out the duties specified in section 107, the Special Inspector General shall have the authorities provided under section 5406 of title 5, United States Code.

(2) LIMITATION.—The Special Inspector General is not authorized to audit or investigate the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(b) AUDIT STANDARDS.—The Special Inspector General shall carry out the duties specified in section 107(a) in accordance with the standards and guidelines set forth in section 404(b)(1) of title 5, United States Code.

(c) EXPEDITED HIRING AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Special Inspector General may exercise any authority provided to the head of a temporary organization under section 3161 of title 5, United States Code, without regard to whether the Office qualifies as a temporary organization under subsection (a) of that section.

(2) LIMITATIONS.—With respect to the exercise of authority under subsection (b) of section 3161 of title 5, United States Code, as authorized under paragraph (1)—

(A) the Special Inspector General may not make any appointment under that subsection on or after the later of—

(i) the date that is 180 days after the date of enactment of this Act; or

(ii) the date that is 180 days after the date on which the Special Inspector General is confirmed by the Senate;

(B) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

(C) no period of an appointment made under that subsection may extend after the date on which the Office terminates pursuant to section 113.

(3) REEMPLOYMENT OF ANNUITANTS.—

(A) IN GENERAL.—Subject to subparagraph (B), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in a position in the Office—

(i) the annuity of that annuitant shall continue; and

(ii) such reemployed annuitant shall not be considered to be an employee for the purposes of chapter 83 or 84 of title 5, United States Code.

(B) LIMITATIONS.—Subparagraph (A) shall apply to—

(i) not more than 25 employees of the Office at any particular time, as designated by the Special Inspector General; and

(ii) pay periods beginning after the date of enactment of this Act.

SEC. 109. PERSONNEL, FACILITIES, AND OTHER RESOURCES.

(a) PERSONNEL.—The Special Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Special Inspector General, subject to the provisions of—

(1) chapter 33 of title 5, United States Code, governing appointments in the competitive service; and

(2) chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(b) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Special Inspector General may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at daily rates not to

exceed the equivalent rate prescribed for grade GS-15 of the General Schedule under section 5332 of such title.

(c) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Special Inspector General may—

(1) enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons; and

(2) make such payments as may be necessary to carry out the duties of the Special Inspector General.

(d) RESOURCES.—The Secretary of State or the Secretary of Defense, as appropriate, shall provide the Special Inspector General with—

(1) appropriate and adequate office space at appropriate locations of the Department of State or the Department of Defense, as appropriate, in Ukraine or in European partner countries;

(2) such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices; and

(3) necessary maintenance services for such offices and the equipment and facilities located in such offices.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—Upon request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, to the extent practicable and not in contravention of any existing law, furnish such information or assistance to the Special Inspector General or an authorized designee.

(2) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall immediately report the circumstances to—

(A) the Secretary of State or the Secretary of Defense, as appropriate; and

(B) the appropriate congressional committees.

SEC. 110. REPORTS.

(a) QUARTERLY REPORTS.—Not later than 30 days after the end of each quarter of each fiscal year, the Special Inspector General shall submit a report to the appropriate congressional committees, the Secretary of State, and the Secretary of Defense that—

(1) summarizes, for the applicable quarter, and to the extent possible, for the period from the end of such quarter to the date on which the report is submitted, the activities during such period of the Special Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine; and

(2) includes, for applicable quarter, a detailed statement of all obligations, expenditures, and revenues associated with military, economic, and humanitarian activities in Ukraine, including—

(A) obligations and expenditures of appropriated funds;

(B) a project-by-project and program-by-program accounting of the costs incurred to date for military, economic, and humanitarian aid to Ukraine, including an estimate of the costs to be incurred by the Department of Defense, the Department of State, the United States Agency for International Development, and other relevant Federal agencies to complete each project and each program;

(C) revenues attributable to, or consisting of, funds provided by foreign nations or

international organizations to programs and projects funded by any Federal department or agency and any obligations or expenditures of such revenues;

(D) revenues attributable to, or consisting of, foreign assets seized or frozen that contribute to programs and projects funded by any Federal department or agency and any obligations or expenditures of such revenues;

(E) operating expenses of entities receiving amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine; and

(F) for any contract, grant, agreement, or other funding mechanism described in subsection (b)—

(i) the dollar amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the Federal department or agency involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, including a list of the potential individuals or entities that were issued solicitations for the offers; and

(iv) the justification and approval documents on which the determination to use procedures other than procedures that provide for full and open competition was based.

(b) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this subsection is any major contract, grant, agreement, or other funding mechanism that is entered into by any Federal department or agency that involves the use of amounts appropriated or otherwise made available for the military, economic, or humanitarian aid to Ukraine with any public or private sector entity—

(1) to build or rebuild the physical infrastructure of Ukraine;

(2) to establish or reestablish a political or societal institution of Ukraine;

(3) to provide products or services to the people of Ukraine; or

(4) to provide security assistance to Ukraine.

(c) PUBLIC AVAILABILITY.—The Special Inspector General shall publish each report submitted pursuant to subsection (a) on a publicly available internet website in English, Ukrainian, and Russian.

(d) FORM.—Each report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex if the Special Inspector General determines that a classified annex is necessary.

(e) SUBMISSION OF COMMENTS TO CONGRESS.—During the 30-day period beginning on the date a report is received pursuant to subsection (a), the Secretary of State and the Secretary of Defense may submit comments to the appropriate congressional committees, in unclassified form, regarding any matters covered by the report that the Secretary of State or the Secretary of Defense considers appropriate. Such comments may include a classified annex if the Secretary of State or the Secretary of Defense considers such annex to be necessary.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the public disclosure of information that is—

(1) specifically prohibited from disclosure by any other provision of law;

(2) specifically required by Executive order to be protected from disclosure in the interest of defense or national security or in the conduct of foreign affairs; or

(3) a part of an ongoing criminal investigation.

SEC. 111. TRANSPARENCY.

(a) **REPORT.**—Except as provided in subsection (c), not later than 60 days after receiving a report pursuant to section 110(a), the Secretary of State and the Secretary of Defense shall jointly make copies of the report available to the public upon request and at a reasonable cost.

(b) **COMMENTS.**—Except as provided in subsection (c), not later than 60 days after submitting comments pursuant to section 110(e), the Secretary of State and the Secretary of Defense shall jointly make copies of such comments available to the public upon request and at a reasonable cost.

(c) WAIVER.

(1) **AUTHORITY.**—The President may waive the requirement under subsection (a) or (b) with respect to availability to the public of any element in a report submitted pursuant to section 110(a) or any comments submitted pursuant to section 110(e) if the President determines that such waiver is justified for national security reasons.

(2) **NOTICE OF WAIVER.**—The President shall publish a notice of each waiver made under paragraph (1) in the Federal Register not later than the date of the submission to the appropriate congressional committees of a report required under section 110(a) or any comments submitted pursuant to section 110(e). Each such report and comments shall specify whether a waiver was made pursuant to paragraph (1) and which elements in the report or the comments were affected by such waiver.

SEC. 112. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated \$20,000,000 for fiscal year 2024 to carry out this Act.

(b) **RESCISSION.**—Of the amount appropriated under the heading “ASSISTANCE FOR EUROPE, EURASIA, AND CENTRAL ASIA” in title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117-328), \$20,000,000 is rescinded.

SEC. 113. TERMINATION.

(a) **IN GENERAL.**—The Office shall terminate on the day that is 180 days after the date on which amounts appropriated or otherwise made available for the reconstruction of Ukraine that are unexpended are less than \$250,000,000.

(b) **FINAL REPORT.**—Before the termination date referred to in subsection (a), the Special Inspector General shall prepare and submit to the appropriate congressional committees a final forensic audit report on programs and operations funded with amounts appropriated or otherwise made available for the military, economic, and humanitarian aid to Ukraine.

ORDERS FOR TUESDAY, MARCH 28, 2023

Mr. WHITEHOUSE. Mr. President, finally, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Tuesday, March 28; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that following the conclusion of morning business, the Senate resume consideration of calendar No. 25, S. 316 postclosure; further, that at 11:30 a.m., the Senate vote in relation to the Johnson amendment No. 11 and Ricketts amendment No. 30;

that the Senate recess following the Ricketts vote until 2:15 p.m. to allow for the weekly caucus meetings; further, that at 2:30 p.m., the Senate vote in relation to the Cruz amendment No. 9 and Sullivan amendment No. 33, that at 5:15 p.m. the Senate vote in relation to the Scott of Florida amendment No. 13 and Hawley amendment No. 40; finally, that all previous provisions in relation to the amendment votes remain in effect, and with two minutes for debate, equally divided, prior to each vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask that it stand adjourned under the previous order, following the remarks of Senators CASSIDY, RUBIO, SULLIVAN, and BROWN.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

NOMINATION OF JULIE A. SU

Mr. CASSIDY. Mr. President, last Tuesday, President Biden formally nominated Julie Su to be the Secretary of the Department of Labor. Now, as ranking member of the committee that oversees her nomination, I felt it was important to express some concerns that have only grown since her previous nomination.

Deputy Secretary Su has a troubling record and is currently overseeing the Department of Labor's development of anti-worker regulations dismantling the gig economy.

This does not inspire confidence in her current position, let alone confidence that she should be promoted. Ms. Su's record now and in her previous position as secretary for the California Labor and Workforce Development Agency deserves scrutiny. I look forward to a full review and hearing process for her nomination.

In California, Ms. Su was a top architect of AB5, a controversial law that removed the flexibility of individuals to work as independent contractors.

Now, independent contractors, you can call them freelancers. They make their own hours, and they choose the type of work they wish to do. I was recently taking a Lyft. The driver told me he was able to clear \$500 a day. He has Uber, Lyft, and DoorDash on his phone. He flips between the apps, he chooses the job from whichever one is immediately available, and through it all, he clears 500 bucks a day. I said, wait a second, man, you gotta pay your gas, you gotta pay your insurance; are you still—Oh, yeah, I clear 500 a day.

Now, if he is working five days a week, he is doing \$10,000 a month. Independent contractors are shielded from forced or coerced unionization that could strip that flexibility away. This, of course, has made eliminating this classification a top priority for large labor unions who benefit from more

workers being forced to pay mandatory union dues.

Now, it is important to note, even in California, AB5 is extremely unpopular. And 59 percent of California voters supported a measure to exempt ride-share drivers from AB5.

The law is so flawed, the Governor and State legislature have had to pass multiple laws to exempt over 100 occupations. The statutory exemptions are longer than the text of AB5 itself.

But Ms. Su has taken her support for this anti-worker, pro-union policy to the U.S. Department of Labor. During her tenure as Deputy Secretary of Labor, essentially the Agency's chief operating officer, the Biden administration pushed to eliminate independent contracting via Federal Executive rulemaking.

Now, there was never any hope of getting AB 5—an AB 5-like law through Congress, so they pursued their goals through regulation.

And, if finalized, the new regulation strips 21 million Americans of their ability to classify themselves as independent contractors and enjoy the flexibility this provides.

This regulation would undermine the business model of services like Uber, Lyft, and DoorDash that provide valuable services and give drivers the ability and freedom to set their own hours and even hop between States.

I got off at the airport in New Orleans, Louis Armstrong International Airport, and the guy that picks me up has Maryland plates: Oh, yeah, I moved here like six months ago, wanted to come down for jazz fest, and so I just notified the different—you know, Uber and Lyft, and now I am down here working instead of back where I started.

We are talking maximum flexibility. By the way, it is not just the Uber and Lyft drivers affected; truckers are severely impacted.

Many truckers are independent owner-operators. They own their own trucks. This regulation could devastate the freedom of these truckers. It could potentially impact the supply chain in the process, as trucking moves more than 72 percent of the goods in the United States annually.

Now, as a conservative from a conservative State—but I think as an American from any State—I can say that we don't need the application of a law from one of the most liberal States to the entire Nation.

A law rejected in California is not a policy to be pursued on a Federal level. We need to support the right of workers and their ability to choose what is best for them, not put them in a strait-jacket to serve other people's goals.

I also want to hear Ms. Su's position on DOL's effort to uproot the franchise model, which employs over 8 million Americans. Deputy Secretary Su has made public comments indicating that she will pursue attempts at DOL to forcibly impose a joint employer classification on the almost 800,000 franchises operating in our communities,